

Town of Lunenburg

Conservation Commission

MINUTES

December 2, 2015

7:00 PM

*Ritter Memorial Building
960 Massachusetts Avenue*

Richard Bursch, Tom Bertram, Todd Dwyer, Jack Rabbitt, Brad Kennedy, Carl Luck, Ken Jones, Matt Marro, Jan Carrier

CALL TO ORDER

PUBLIC COMMENT~Janet Morrison ~ NCLT Conservation Restriction and Assignment – Janet will appear at the December 16th meeting.

Commissioner Bertram reached out to connecting communities about a walk in April. He will follow-up. The Snow Riders went out and cleared the main corridor trail. Robbs Hill had some fallen trees that were cleared up. The sluice gate at Hickory Hills will be replaced tomorrow. Commissioner Bertram will be there.

Commissioner Rabbitt inquired about the budget. He noted that it was mentioned at the BOS meeting. Ms. Carrier noted that the budget forms will be distributed next week. Commissioner Rabbitt urged the commission to consider budget requests. Ms. Carrier will send the forms out by email when she receives them.

HEARINGS

667 Reservoir Road ~ Pursuant to MGL ch 131, s 40 as amended and the Town of Lunenburg Wetlands Protection and Municipal Bylaws there will be a public hearing on a Notice of Intent filed by Robert/Laurie Parsons. The proposed project is for construction of a driveway to a single family home. Rescheduled from 11/18

Chris Mackenzie represented the applicant and submitted revised plans per BOH requests (elevation of the trenches which is out of the buffer zone). He outlined the site in relation to the wetland resource areas and the associated buffer zones. He noted the only work proposed within the buffer zone is the access driveway. He outlined the proposed erosion protection.

Mr. Rabbitt examined the drainage patterns to ensure it would remain similar. The remainder of the Commission expressed no concern. Chairman Bursch proposed that remainder of the site that is not vegetated be re-vegetated. Mr. Mackenzie agreed. Mr. Dwyer inquired about how much fill/topsoil would be brought in. Mr. Mackenzie noted maybe 4 to 6 inches of topsoil only. Amedeo Bilotta 18 Fire Road 7 voiced concern that the developed drainage would not impact his driveway. Mr. Dwyer asked if it was between the shoulder and the road. Mr. Bilotta indicated yes. Mr. Mackenzie noted the design would not add to it. The driveway is proposed to be gravel. Mr. Luck inquired if it was paved would it require a re-filing. The chair noted that the applicant would not have to if it is crowned. Mr. Kennedy examined the two driveways relative to proximity to each other and location of ponding on Mr. Bilotta's driveway. Motion to approve with the added condition of crowning the driveway with re-vegetation of the remaining site was made by Mr. Jones and seconded by Mr. Luck. The Commission unanimously approved the motion.

647-649-651 Reservoir Road ~ Pursuant to MGL ch 131, s 40 as amended and the Town of Lunenburg Wetlands Protection and Municipal Bylaws there will be a public meeting on a Request for Determination of Applicability filed by John Sodano. The proposed project is for installation of water line.

Mr. Sodano outlined the lines and the sizes of each line and why they are necessary to be in place. It will be dug and backfilled within the buffer zone. The well in place currently is insufficient. Chairman Bursch examined the depth of the lines and the subsurface and recommended haying the exposed surface heavily.

The Commission expressed no concerns. The public expressed no concern. A motion of a negative 3 determination with the soil mulching was made by Commissioner Bertram and seconded by Commissioner Kennedy and was unanimously approved by the commission.

165 Townsend Harbor Road ~ Pursuant to MGL ch 131, s 40 as amended and the Town of Lunenburg Wetlands Protection and Municipal Bylaws there will be a public hearing on a Notice of Intent filed by Karen Philbin. The proposed project is for site construction to remove existing structure and new foundation for modular home on location as shown in plan.

John Moulton represented the applicant. He noted that the existing house is in disrepair and cannot be further maintained and is

proposing replacing the domicile. A new foundation to replace the slab on grade is proposed. The house is essentially in the same place however it is 12 feet longer and slightly farther away from the wetland (lake). Commissioner Bertram inquired if it will be a full basement. The response was that it will be a walkout basement however it would only be necessary to excavate 4 feet. Commissioner Luck examined the proposed construction relative to the 30 and 50 foot zones. It was noted by Ms. Carrier that the plan indicates it is 48 feet from the edge of the lake. There was a prior file for a proposed deck with a plan showing the distance from the house to the lake. Mr. Luck examined the plans with the applicant to ensure it would not be closer than 50 feet. Commissioner Bertram inquired as to the construction of a deck. He noted that deck can be replaced but not increased if it is within the 50 feet. Commissioner Bertram indicated that the non-conformity should not be increased and noted on the order if issued. Commissioner Luck also examined the deck in the relation to the 30 and 50 foot. Mr. Moulton noted that the new construction would be outside of the 50 foot, inclusive of the deck. Chairman Bursch noted the commission would desire to have hay wattles and silt fencing placed the width of the lot at the lakes edge.

The public expressed no concern. A motion to approve with the addition of the outlined erosion protection and the notation that no structure shall be placed within the no structure zone was made by Commissioner Bertram and seconded by Commissioner Jones and unanimously approved by the Commission.

386 Sunset Lane ~ Pursuant to MGL ch 131, s 40 as amended and the Town of Lunenburg Wetlands Protection and Municipal Bylaws there will be a public meeting on a Request for Determination of Applicability filed by Richard Tremblay. The proposed project is to repair & replace railroad ties of an existing railroad tie wall within the 30' No Touch area. The railroad ties are either rotted or in danger of collapse.

Commissioner Luck is recusing due to being an abutter. He did advise he is recording the meeting and stepped out of the room. Mr. Tremblay outlined for the commission the current condition of his existing wall and the desire to replace the wall which is now falling in due to construction previously approved by the commission on an abutting property.

Chairman Bursch examined the materials needed and if the construction technique would be by hand. The applicant indicated it was going to be replaced by hand. Mr. Bursch requested that erosion protection in the form of silt fence be placed during work as a precaution. The applicant agreed. Mr. Rabbit inquired as to length. It was noted about 15 feet and one extra length of tie. Commissioner Dwyer recommended wattles instead of silt fence and the commission agreed. Phyllis Luck inquired as to what would happen if there was more rotted length of wall discovered during construction. Chairman Bursch noted that it would require a notification to the commission and they would likely allow for an emergency permit for an in-kind replacement with a subsequent amended filing with the commission. Mrs. Luck inquired if tie backs would be used. The chair indicated there was some in there now and it would likely be required.

A motion for a Negative 3 determination with erosion protection added was made by Commissioner Bertram with a second by Commissioner Kennedy and a unanimous vote by the commission.

155 Reservoir Road, Lots 1-9 ~ Pursuant to MGL ch 131, s 40 as amended and the Town of Lunenburg Wetlands Protection and Municipal Bylaws there will be a public hearing on a Notice of Intent filed by Steve Powell (Brian Marchetti of McCarty Engineering Inc. The proposed project includes the creation of 9 ANR Lots in Residence B. Each lot is planned to contain a single family residence, driveway, septic system and grading. Lots 1-7 impact the 200' Outer Riparian Zone, Lot 8 impacts the 100' Wetland Buffer Zone and Lot 9 Impacts the 200' ORZ AND THE 100' WBZ.

Brian Marchetti from McCarty Engineering outlined the lots in question and relation to the resource areas in question and the work within the buffer zones/river front.

Commissioner Rabbit inquired if there were any patio and deck on the plans. Mr. Marchetti noted that it was not planned to be within the 200 foot zone. However if the builder changes plan it would be required to refile. Commissioner Kennedy inquired if there was cleanup to be performed prior to sale.

Mr. Marchetti said no. He also noted that there is a builder who is ready to purchase the 9 lots as a package. Commissioner Dwyer noted there would be traversing of the riparian zone during construction and would it be mitigated. Mr. Marchetti said yes. Commissioner Luck noted that there was some frustration that the lot was left like it was and that the commission had no control. He wondered what we could do now. Commissioner Kennedy noted that he felt we could require cleanup work to be done on the site as some of the resource areas were not left in good condition. Commissioner Jones also noted the solid waste still on site. Chairman Bursch noted that the commission would require all slash and plies and solid waste would be cleaned up and removed. Commissioner Kennedy inquired if the condition could be a precondition. Mr. Marro noted that it could be a preconstruction condition and that would require a 48 hour notification for erosion protection as a standard so that the special condition could be inspected at the same time.

Robert Proctor 99 Pleasant Street, noted that the logging was standard and that a cleanup may do more damage. The Chairman noted that the uprooted stumps and left over trees that goes above standard slash should be removed as well as the trash and other solid waste. It was noted that the limit of the proposed work would be a perpetual condition. Mr. Marro outlined the

requirements for establishment of a perpetual limit of work for recording on the Order and Certificate of Compliance upon completion of construction. It was also noted that the 10 percent threshold was a cumulative figure under by-law. Commissioner Jones inquired as to the limit of permanent demarcation. Mr. Marro spoke of demarcation options. The Commission noted that as it would be on the deed it would be marked.

Rhonda Lisio of 181 Reservoir Road inquired as to keeping debris out of the street. The chair noted that it was no within commission jurisdiction. As a courtesy, Mr. Marchetti outlined the drainage patterns and how the development would note impact 188 Reservoir and would be sloped to keep drainage on the site. Celeste Stober of 275 Pleasant Street inquired as to the meaning of the 30 and 50 foot buffer zone. The Chairman outlined the definition of the zones and the riparian zones as well.

Commissioner Luck was comparing the 10 percent limit to the 7 percent proposed and the fact there was only 3 percent.

David Prokowiew of 733 West Street inquired if the impacts were cumulative to the entire 9 lots. The Chair indicated yes. It was also noted that the 3 percent remainder was cumulative and permanent to all the lots. Rhonda Lisio inquired as to the NPDES permits.

Commissioner Bertram moved to approve Lot 1 with the conditions that the limit of work is a permanent limit of development and that all trash and debris be cleaned up. Mr. Luck seconded and the Commission voted unanimously. Mr. Bittner inquired as to the appeal rights of abutters or the general public.

Mr. Marchetti outlined the specifics of Lot 2 and the impacts on resource areas to be mitigated. He outlined the need for the placement of the house versus the septic system. Commissioner Luck inquired as to the grading and any impacts to resource areas and Reservoir Road. It was noted that the basement was a proposed walk out.

Commissioner Rabbitt inquired if there were any measures to protect the catch basins. Mr. Marchetti suggested silt socks on the basins. The Chair suggested that be added as a condition for all nine lots. Robert Proctor wanted to know if you have multiple contractors who is responsible for all the lots. Commissioner Bertram opined that silt socks were not necessary. Commissioner Jones agreed and felt the condition would be cumbersome. Commissioner Rabbitt disagreed he outlined situations where silt could happen. Commissioner Kennedy inquired as to where the drains actually empty into. Commissioner Jones and Mr. Marchetti noted that there was no real discharge other than to drainage swales. The Commission was polled for the socks with Messers. Luck and Rabbit voting in favor and the remaining commission voting against adding silt socks.

Commissioner Bertram moved to approve the Notice of Intent with the identical conditions outlined in lot 1. Commissioner Luck seconded and the commission voted unanimously.

Mr. Marchetti outlined the conditions on lot 3. Commissioner Rabbitt inquired as to the status of the well and if it should be filled. Commissioner Jones noted that it should be covered by the condition of the debris and lots being cleaned.

Commissioner Bertram moved to approve the Notice of Intent with the identical conditions outlined in lot 1. Commissioner Luck seconded and the commission voted unanimously.

Lot 4 was then examined.

Commissioner Bertram moved to approve the Notice of Intent with the identical conditions outlined in lot 1. Commissioner Rabbitt seconded and the commission voted unanimously.

Lot 5 was then examined.

Commissioner Rabbitt moved to approve the Notice of Intent with the identical conditions outlined in lot 1. Commissioner Jones seconded and the commission voted unanimously.

Lot 6 was then examined.

Commissioner Luck moved to approve the Notice of Intent with the identical conditions outlined in lot 1. Commissioner Bertram seconded and the commission voted unanimously.

Lot 7 was then examined.

A poll was taken for demarcation with 6 in favor and one against (Commissioner Bertram)

Commissioner Kennedy moved to approve the Notice of Intent with the identical conditions outlined in lot 1 with 3 foot by 3 foot demarcation boulders every 25 feet to demarcate the 100 foot inner riparian zone added. Commissioner Luck seconded and the commission voted unanimously.

Lot 8 was then examined it was noted there was no riparian zone only buffer with no intrusion of the 50 foot and 30 foot zones respectively. It was noted that the offset to the trenches was not at the minimum would only move the house foot print to a 10 foot maximum. The Commission indicated that they would prefer to see the house slid up closer to the road to allow for the prevention of intrusion on the 50 foot not structure zone. Commissioner Dwyer indicated he would be open to an alternative that catches further drainage.

The applicant agreed to move the house forward 20 feet and add a drywell. Commissioner Bertram indicated that he was still against demarcating the 30 foot zone.

Commissioner Bertram requested another straw poll vote on the demarcation- the vote came out identical to the previous poll.

Commissioner Kennedy moved to approved the Notice of Intent with the identical conditions outlined in Lot 1 with 3 foot by 3 foot boulders 25 feet apart at the 30 foot no touch zone and installing a dry well and moving the house 20 feet forward. Commissioner Rabbitt seconded and the commission voted unanimously.

Lot 9 was then examined: There is grading within the 50 foot zone however there will be no structure and the 30 foot zone is preserved.

Commissioner Rabbitt moved to approved the Notice of Intent with the identical conditions outlined in lot 1 with 3 foot by 3 foot boulders 25 feet apart at the 30 foot no touch zone and installing a dry well and moving the house 10 feet forward. Commissioner Luck seconded and the commission voted unanimously.

MINUTES APPROVAL~11/4, (APPROVED) 11/18-will be presented at 12/16 meeting

NEW BUSINESS ~

VIOLATIONS ~ 392 Sunset Lane ~ Luck ~ RDA Filed and approved 11/18/2015

183 Hemlock Drive ~Thomas ~ Letter sent requesting engineered plan, due in February

189 Howard Street ~ Jacobson ~

192 Peninsula Drive ~ Semerjian ~ received letter & pictures, Matt has inspected, remediation

701 Reservoir Road ~ Wilson ~ Matt is handling with Ron Wilson. Mr. Marro noted that Steve Marsden P.E. is

At present finalizing the plan requested by the Commission.

101 Pleasant Street – Owner required to mark the wetland and to date has not. Mr. Marro recommended sending an Enforcement Order.

Greg Bittner 109 Pleasant Street noted that he accessed behind Electric Avenue and went through town owned land and was digging perc test holes. Chairman Bursch clarified that the driveway permit submitted showed that he would not be within the buffer zone and it was subsequent inspection that revealed it was not.

Chairman Bursch outlined that the enforcement order would require him now to file and the DEP would be notified.

Paulette Beardmore 282 Pleasant Street inquired as to how this happened in this small town? The Chair outlined the town procedures and documentation requirements. Mr. Bittner noted that the owner of 101 Pleasant Street continued to work despite the chairmans request to stop work.

Victoria Marien 85 pleasant street.....noted that the owner of 101 Pleasant St Trespassed on her property.

Ryan Stober of 275 Pleasant Street inquired as to the process of obtaining a building permit.

Mr. Rabbitt moved to have Mr. Marro issue the EO. Mr. Luck seconded and the commission voted unanimously.

ONGOING BUSINESS

Forest Cutting Plans

Regulations and By Law ~ Ongoing discussion for outline

Commission Education

Stormwater By Law

SIGNATURES ~ OoC(), CoC()

ANNOUNCEMENTS

MEETING SCHEDULE ~ 12/16, 1/6, 1/20

PUBLIC COMMENT

COMMISSION COMMENT ~

ADJOURNMENT ~ 10:40 PM